

**ZB# 99-1**

**Michael Petrone**

**85-1-15**

Prelim.

Jan. 25, 1999

Letters out 2/18/99.

Front yard?

~~checkmate.~~

Notice to Sentinel 2/27/99.

Public Hearing:

March 8, 1999.

Motion to Table 4-0  
to Apr. 12, 1999.

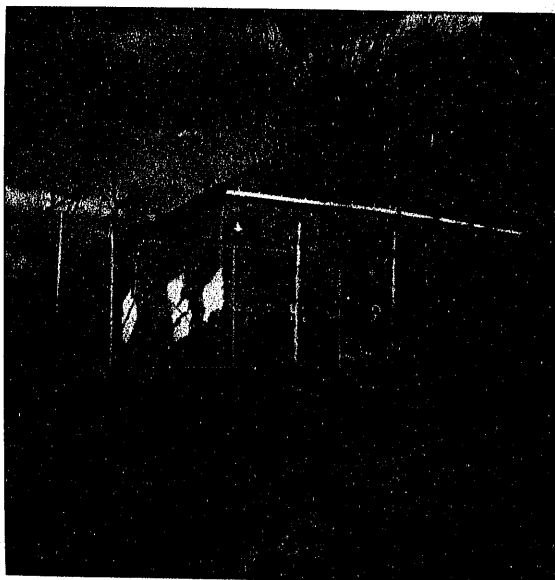
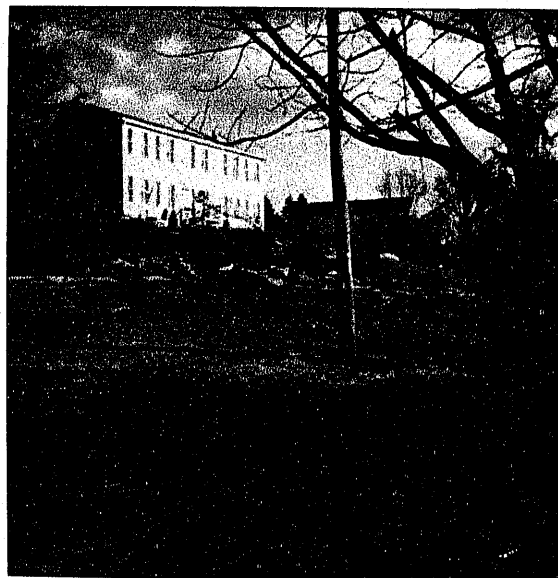
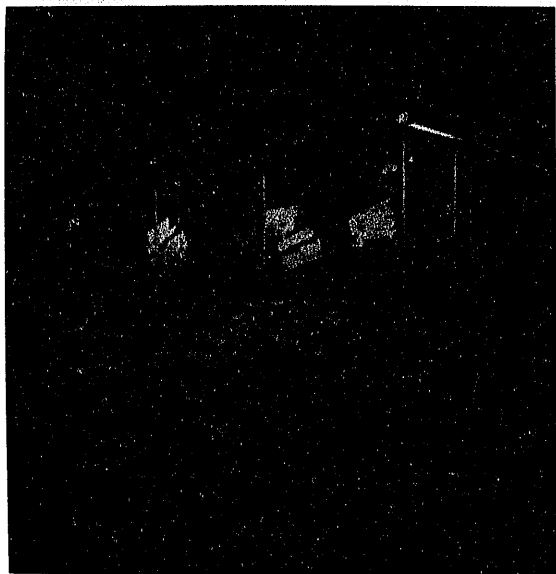
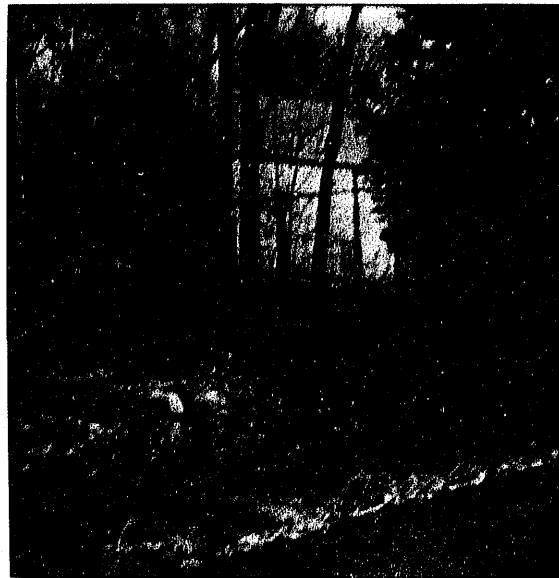
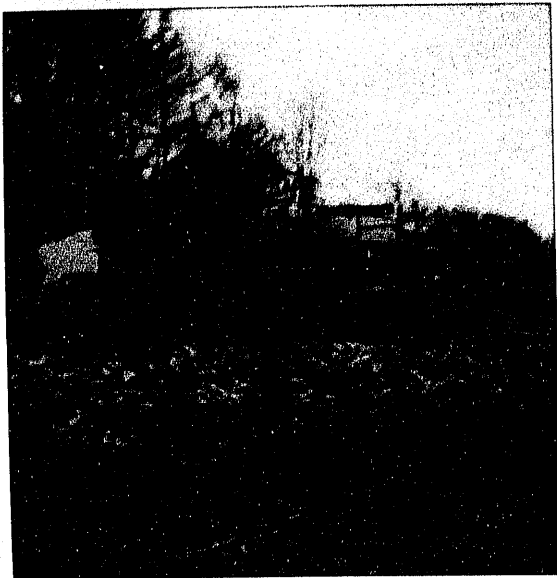
Variance  
Granted  
for lot  
Area on  
April 12, 1999.

Refund: \$149.00

#99-1 Petrone, Michael

Area - 85-1-15.





**APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)**

APPLICANT: Lehane, Michael  
\_\_\_\_\_  
\_\_\_\_\_

FILE# 99-1

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE \_\_\_\_\_

APPLICATION FOR VARIANCE FEE.....\$ 50.00

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ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

**DISBURSEMENTS:**

**STENOGRAPHER CHARGES: \$4.50 PER PAGE**

PRELIMINARY MEETING-PER PAGE 1/25/99-5...\$ 22.50  
2ND PRELIMINARY- PER PAGE .... 3/8/99-13...\$ 58.50  
3RD PRELIMINARY- PER PAGE.....\$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE.....\$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE.....\$ \_\_\_\_\_  
TOTAL.....\$ 81.00

**ATTORNEY'S FEES: \$35.00 PER MEEETING**

PRELIM. MEETING: 1/25/99.....\$ 35.00  
2ND PRELIM. .... 3/8/99.....\$ 35.00  
3RD PRELIM. ....\$ \_\_\_\_\_  
PUBLIC HEARING.....\$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D).....\$ \_\_\_\_\_  
TOTAL.....\$ 70.00

**MISC. CHARGES:**

.....\$ \_\_\_\_\_  
TOTAL.....\$ 151.00

LESS ESCROW DEPOSIT.....\$ 300.00  
(ADDL. CHARGES DUE).....\$ \_\_\_\_\_  
REFUND DUE TO APPLICANT..\$ 149.00

Date 5/2....., 1977...

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Michael M. Petrone DR.  
501 Bramestown Rd., Tuxedo Park, N.Y.  
10987

DATE \_\_\_\_\_

**CLAIMED**

**ALLOWED**

5/5	Refund of Escrow # 99-1-ZBA.	\$ 149.00
Approved: Patricia A. Bankat		
ZBA.		

50-235 618 1859  
219  
MICHAEL M. PETRONE  
2/18 1999  
PAY TO THE ORDER OF Town of New Windsor \$ 3000  
Three Hundred only DOLLARS  
THE BANK OF NEW YORK  
ORANGE TPKE., TUXEDO PARK, N.Y. 10987  
MEMO Voucher 280 #99-1  
⑆021902352⑆ ⑆0251136214⑆ 1859  
BNY STYLE 60

50-235 618 1858  
219  
MICHAEL M. PETRONE  
2/18 1999  
PAY TO THE ORDER OF Town of New Windsor \$ 500  
Fifty only DOLLARS  
THE BANK OF NEW YORK  
ORANGE TPKE., TUXEDO PARK, N.Y. 10987  
MEMO Voucher 280 #99-1  
⑆021902352⑆ ⑆0251136214⑆ 1858  
BNY STYLE 60

In the Matter of the Application of

N.Y. TELEPHONE CO./PETRONE, MICHAEL

#99-1.

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE

**WHEREAS, N. Y. TELEPHONE CO.,** 1095 Avenue of the Americas, New York, New York 10036, owner, and **MICHAEL PETRONE,** 501 Bramertown Road, Tuxedo, New York 10987, contract vendee, have made application before the Zoning Board of Appeals for a 17,715 sq. ft. lot area variance to convert a telephone equipment building structure to a single-family residence located on Mt. Airy Road in an R-3 zone; and

**WHEREAS,** a public hearing was held on the 3rd day of March, 1999, and tabled to the 12th day of April, 1999, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS,** the Applicant appeared by William Rossomando, and on the adjourned date, by himself; and

**WHEREAS,** there were eight (8) spectators appearing at the public hearing; and

**WHEREAS,** no one spoke in favor of the Application; three persons spoke in opposition to the Application and two persons had questions; and

**WHEREAS,** a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS,** the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a small lot in an R-3 zone and the building was formerly used by the telephone company.

(b) The Applicant seeks to purchase the property and convert and add on to the existing building in order to create a one-family residence.



(c) The front yard setback from the street is less than as required by the Town Code but since the building pre-existed the adoption of the Town Code, this is a pre-existing, non-conforming use.

(d) The telephone company has abandoned the building which has become the subject of some vandalism and graffiti and is surrounded by a 10 ft. high chain-link fence.

(e) If the variance is granted the Applicant will remove the chain-link fence and will improve the appearance of the exterior.

(f) The property is not serviced by municipal water but will be connected to municipal sewer service.

(g) There are no water or sewer easements on the property. According to the Town of New Windsor Zoning Code a property area of 32,000 square feet is necessary. The Applicant seeks a variance of 17,715 square feet because of the size of the property.

(h) The building on the property has not been used for approximately ten years.

(i) Although the Applicant owned the surrounding property and had it subdivided, this property was in the ownership of the telephone company and was not available for purchase at that time. It did not become available for purchase until after the subdivision had become completed.

(j) If the variance is granted, the Applicant intends to improve the building so that it is consistent with the neighborhood and, to the extent possible, preserve the existing building. The Applicant understands that if the sought variance is granted does not relieve him from compliance with any other codes or responsibilities with respect to the premises.

(k) A water line has been installed in the adjacent roadway but it is not ready for dedication or use. The Applicant owns a lot adjacent to this lot but cannot combine them because the additional lot is under contract for purchase by someone else.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations (more than 50%) but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because of the nature of the property and the location of the proposed enclosure.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 17,715 sq. ft. lot ~~area~~ variance for renovation of a telephone equipment building to a single-family residence located on Mt. Airy Road an R-3 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: May 10, 1999.



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Chairman

Date 4/14/99, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... DR.

Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED		ALLOWED	
4/12/99		Zoning Board Mtg	75	00		
		Misc - 3				
		Maxwell - 4				
		Fioriti - 4				
		Hecht - 2				
		Caccia - 2				
		NY Telephone/Peterson 6 - 27.00				
		21	94	50		
			169	50		

DECISION: NY TELEPHONE/PETRONE

Mr. Michael Petrone appeared before the board for this proposal.

MR. NUGENT: Request for 17,715 ft. lot area for renovation of a telephone equipment building to a single-family residence on Mt. Airy Road in an R-3 zone. I believe we had postponed this, right?

MR. KRIEGER: Yes, you tabled it.

MR. TORLEY: Do you need a motion taken?

MR. KRIEGER: Yes, you need a motion.

MR. TORLEY: I move we bring this matter off the table and open it up for discussion again.

MR. NUGENT: Do we have a second?

MR. KANE: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: I believe that we were waiting for some information from Mr. Petrone, if you would like to elaborate?

MR. PETRONE: Good evening, I apologize cause I was out of the country, I wasn't able to answer your questions. I believe there was a question about the availability or the possibility of bringing about the lot line change and relocating some land from the nearby lot 7 of the subdivision to this new lot. Unfortunately, that is not possible for two reasons. And of course, I would have done it if it was available at the time, first of all, I don't control the lot 7, lot 7 is with a company which I'm a party on, I'm a representative but it's not mine totally, it's not the total

ownership. And secondly, lot 7 is in contract, it's been in contract since the month of I believe October of '98. There was a change of buyer, one buyer switched around to buy it, but we, I'm supposed to close May 15, rather the company is supposed to close May 15 and the building inspector will be a witness because these people will be in touch with him before closing or right after so it can't be done.

MR. NUGENT: Well, it was just one suggestion to possibly lower the size of the variance.

MR. PETRONE: It was not an unreasonable suggestion for. Just for information of the board, I think somebody asked that question when I developed the property that's over that was, well, when I was in front of the planning board, that was '86 or '87, if I remember right, at some point then I don't remember now if it was prior or after the approval by the planning board, the New York Telephone discontinued use of that building. In fact, they had an easement over precisely lot 7 which was then canceled and turned back and on that occasion, I discussed with them the use of the building as they were discontinuing service and they were shutting it down and at that point in fact I discussed it with the headquarters, I don't remember Poughkeepsie or wherever they were for the purchase of that lot and incorporate into this little subdivision and they were very, they were interested in this but they couldn't do it because at that time, they were being taken over by I believe NYNEX, what then became NYNEX, at that point, they were being spun off from AT&T and there was all that merger that happened, so they were totally unable to make a commitment of real estate and so forth right in the middle of takeover. Then I inquired with NYNEX a couple of times over the years and there was no interest, I couldn't find anybody that was--just by coincidence I called them up actually was the takeover by Bell Atlantic suddenly I woke up to this and I called Bell Atlantic up and they had about 11 properties that just came on to the market, they decided so spin them off. This is one of them, small little thing. I gave them a quote, couple of them, this is the only one that looks like it's going to finish, once again, one thing I will tell the

board, very sincerely, I will do this only if there's a good will about it and a good mood. If there's a feeling of disturbance in any manner, I will withdraw this application. I mean, it's a small thing, it's not worth neither of our work so here it is.

MR. NUGENT: The only reason we had a significant amount of opposition that night from surrounding owners--

MR. PETRONE: I saw the record.

MS. BARNHART: I sent him a copy of the minutes.

MR. PETRONE: I have the minutes.

MR. NUGENT: But my personal feeling is that if you don't do something with it, what's going to become of it? It's going to be an eyesore for everyone.

MR. PETRONE: I want you to know the reason I'm doing this is to benefit, I want you to know that lot number 7 is my lot, I'm out of there, I have no interest, I have sold everything else so I'm not there to protect, I think anybody that lives there would like to see a decent building monitored by somebody because I cannot see what this town or anybody will do with that, except maybe merge to another lot and become a dog house, don't know, I have no idea, you can't make it commercial, you would not make it commercial.

MR. NUGENT: That building is similar to the one out on 207 here just passed the overpass?

MR. BABCOCK: Similar, I don't think it's as big, Jim, but--

MR. PETRONE: Well, Bell Telephone, excuse me, NYNEX, Bell Atlantic, has a number of these small little huts and some of them are very small and they are trying to sell it. And I don't know what anybody is going to do with them, they really look ugly. This has a little bit of character. This has a nice slate roof, it's very valuable brick, soiled brick, I would have no interest if it was the regular, you know, block,

plaster stuff.

MR. NUGENT: Does it have sewer and water or just have--

MR. PETRONE: That has nothing, I have an option to connect to the sewer from I will say Mr. Jacobowitz, Monarch?

MS. BARNHART: Majestic.

MR. PETRONE: So that's an option subject to approval by this board and the sewer is right in front of the building across the street.

MR. BABCOCK: Sewer line is there but he's not within the sewer district so he has to get an outside users permit.

MS. BARNHART: But he's already asked for that.

MR. PETRONE: I think it's in the package, but incidentally, I installed that sewer, not that piece, but the one right next to it so--

MR. NUGENT: They have already started to do graffiti on it.

MR. PETRONE: There's always been graffiti. They have done more maybe? There was graffiti there already, I mean, so--

MR. TORLEY: Question we had is if the, as you say you were out of the country on other business, your neighbors saying if you still owned the lot why couldn't you--

MR. PETRONE: Makes sense but I don't, it's not the same ownership, but even so, if it has been advertised as such.

MR. TORLEY: If it's in contract, it's in contract.

MR. BABCOCK: I talked to some of the neighbors and told them basically you don't know where the property

lines are, even if they were to add enough property from lot 7 to here, it's not going to change anything, it's just going to, when you stand out there looking at this building, nothing would change, all you would know is the property line's here or here.

MR. TORLEY: Just changes road frontage.

MR. BABCOCK: So it doesn't really do anything for the--

MR. PETRONE: Visually, it would only improve it, no matter what you do with it, just for the purpose of selling it, it has--

MR. TORLEY: As a board, we're supposed to grant the smallest possible variance, so if you had one big lot and one small lot moving the lot line reduced the amount of variance needed.

MR. PETRONE: I appreciate that, I understand that but--

MR. TORLEY: You're under contract, you're under contract. Mr. Chairman, I would call the question now.

MR. NUGENT: Fine.

MR. TORLEY: I move we grant Mr. Petrone his requested lot area variance.

MR. KANE: Second the motion.

ROLL CALL

MR. TORLEY	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. TORLEY: You're going to hook the sewer up?

MR. PETRONE: Yes, there's no way this gentleman would let me do anything if I didn't.



MR. REIS: It was discussed a meeting or two ago how you were going to expand this, can you refresh our memories how you're going to expand the building?

MR. PETRONE: The best that I can come up with subject to some discussion with Mr. Babcock is I would like to leave the building exactly as it is and I would like to add a small building which would have a two car garage underneath and a one bedroom or maybe two bedrooms upstairs, because the building itself has a very wonderful open space living room which is brick in and out and it would be really, you know, with the 11, 12 foot ceiling, it's a gorgeous room and it's outside and inside and I don't want to touch that, you know, and then another section I cannot, I could of course raise the building a little more and fit two levels, two floors cause the roof now is at about 13 foot, but then I would have to take out or cut the slate roof. That's a wonderful roof, it's a shame to cut it or of course it would not seal, it's old slate so I'm trying to keep, you know, maintain the shell as is, just cutting some windows there and I don't have space, I would only have one bedroom on the ground floor. There's not enough to do two levels, so I have to add something for another bedroom at least another bedroom, maybe two and so I'll put a garage there so it's going to be 15 foot square 20 x 20 and over the garage there will be two bedrooms or one with a stair so that the shell of the building remains as it is.

MR. TORLEY: I think he had some sketch plans.

MR. PETRONE: I have them here, that's the sketch plan, would you like to look at it?

MR. REIS: That's okay, thank you.

MR. NUGENT: Mike will make sure it's done correctly.

MR. PETRONE: We have done some decent stuff with the buildings, so we'll try and keep it in tune. Thank you very much.

PUBLIC HEARING:

NY TELEPHONE/PETRONE

Mr. William Rossomando appeared before the board for this proposal.

MS. BARNHART: For the record, on the 18th of February we sent out 19 addressed envelopes containing the public hearing notice.

MR. NUGENT: Request for 17,715 square foot lot area for renovation of a telephone equipment building to a single-family residence on Mt. Airy Road in an R-3 zone. You're on, sir.

MR. ROSSOMANDO: My name is William Rossomando, Bill Rossomando. As stated in Mr. Petrone's letter to the Board, he's out of the country. Mr. Petrone is interested in seeking a variance for that property for both the set back and the area. The set back requirement, the set back that's in question is the front yard set back from the street. The existing distance is approximately 25 feet. As required by the Town it's 35. And this is existing, the structure is already there. So he needs a variance for that addition for that 10 feet.

MR. NUGENT: I don't have that, Mike.

MS. BARNHART: They felt that that was pre-existing; right?

MR. BABCOCK: Yeah. I felt that was pre-existing. I thought the Board agreed to that when Mr. Petrone was here that the building's there, it's existing set back, there's nothing you can change. It's the Board's preference, if we want to put it down, we can.

MR. TORLEY: Well, it's pre-existing zone.

MR. NUGENT: I think we'll leave it at just that.

MR. ROSSOMANDO: Fine. We just wanted to, again, bring it up. The other thing would be in the area. Due to the size of the lot and the structure, we fall short approximately 17,715 square feet. It's Mr. Petrone's intention to put an addition to the side of this building and to create a one-family residence. The addition essentially would be a garage underneath and

several bedrooms upstairs incorporated into the existing building. The addition architecture would be in keeping with the federal style of the building as Mr. Petrone states in his Exhibit 1 to the Board. At this time, as I'm sure everyone knows, there are single-family residences all along the street, and this is the only building on the street that has no function at this time for anything. It has no function, the phone company has abandoned the property. In terms of their use, they have no further use for the property, it's just sitting. There's a large approximately 10 foot high chain link fence around it. And from what I understand, there's been some vandalism around the exterior of the building, you know, graffiti, painting, trash and litter, so on and so forth. It's also Mr. Petrone's intention to remove this ugly chain link fence that is clearly an eyesore. And it's his feeling that if the Board so allows it to be used as this purpose, that it would be an enhancement to the neighborhood.

MR. NUGENT: Is there sewer and water at all? Neither?

MR. ROSSOMANDO: There's no water, but we do have the option already to hook up to the sewer. We've acquired that.

MR. TORLEY: There are no sewer easements on the property?

MR. ROSSOMANDO: No.

MR. NUGENT: That's why you need the 32,000.

MR. BABCOCK: Yes.

MR. NUGENT: There's no water available out in that area?

MR. BABCOCK: No water.

MR. KRIEGER: So he needs 32,000. Is the 17,715 the size of the variance or size of the property?

MR. NUGENT: Size of the variance.

MR. BABCOCK: 17,715 is the size of the variance request.

MR. KRIEGER: So it's 32 less 17,715 is what if there

now.

MR. BABCOCK: He has 14,955.

MR. REIS: Can you tell us how many square foot you intend to make the total structure living space?

MR. ROSSOMANDO: My best estimate at this time is approximately 2,000 square foot. That's inclusive of the existing structure.

MR. NUGENT: Mike, to answer that question, the existing building is 27,4 by 49,9. In terms of 28 by 50.

MR. TORLEY: Sir, could you address the question of why when Mr. Petrone was setting up the subdivision, was this property, New York Telephone property available at the time of the subdivision?

MR. ROSSOMANDO: To my knowledge, no. No, it was not available. I believe it was in use when he was setting up the subdivision.

MR. TORLEY: That building hasn't been used for a decade.

MR. ROSSOMANDO: Then I don't know.

MR. TORLEY: When was, do we know when this subdivision plan was approved?

MR. BABCOCK: No, I don't.

MR. TORLEY: The question is, obviously if the property wasn't available when he set up the subdivision, that's one thing, but if the property was available when he was doing the subdivision, he could have bought it then and made standard size lots.

MR. ROSSOMANDO: As far as I know with regard to the property being available, it's my understanding that the phone company has recently published a list of properties that they were looking to sell off. Now, I don't believe Mr. Petrone was aware at any time other than within the last few months that this building had been for sale or not. As soon as he was made aware of it, he contacted me, and I was actually surprised. We just took a ride over and met with the phone company at that time. It's only my opinion, but it seems like

it's a recent decision by the phone company to sell off some of these properties.

MR. REIS: Is it accurate that he has a contract subject to a variance on the property?

MR. ROSSOMANDO: He has a letter of intent. The contract is subject to, of course, the variance.

MR. REIS: Thank you.

MR. NUGENT: About 1,400 square feet roughly.

MS. OWEN: Will this building blend in with the decor of the rest of the homes out there?

MR. ROSSOMANDO: We believe so. The existing building is a federal style architecture. The addition that Mr. Petrone is planning will be in keeping with that federal style architecture. So it's not going to be a federal building with a contemporary addition and look tacky. It's not going to be that. There will essentially not be anything done to change the character of the existing structure other than to add, obviously, windows and things like that. He's really looking to preserve the building as it is.

MR. REIS: Do you know if the addition will have a similar facade, same brick?

MR. ROSSOMANDO: No, I don't believe he's going to brick the facade at this time. Again, it's my understanding at this time. As far as the planning of the addition, he hasn't really finalized a lot of the things. A lot of it is subject to, you know, recommendations or the building inspector's opinion and advice.

MR. NUGENT: Does he have to go to the planning board?

MR. BABCOCK: No.

MR. TORLEY: As you stated, his intention is to remove the fence, because, you know, for a new construction, that fence would be illegal at its height. So the fence is gone?

MR. ROSSOMANDO: The fence is gone, yeah. The fence will be gone. It's also unsightly besides illegal, you know.

MR. TORLEY: Oh, yes.

MR. TORLEY: I just want to emphasize for you this variance by granting you a variance for the area, we do not relieve you from any other codes or responsibilities for the structure or appearance, etc.

MR. ROSSOMANDO: We understand that. And it's our intention to, Mr. Petrone's intention to consult with the building inspector's department and submit his blueprints and plans. And if there's any certain requirements by the department, Mr. Petrone will comply with those. That's not a question for Mr. Petrone.

MR. REIS: Mr. Chairman, can we open it up to the public and see what their concerns are?

MR. NUGENT: I wanted to make sure that Larry didn't have any more questions.

MR. TORLEY: No, I'm finished.

MR. NUGENT: At this time, I'd like to open it up to the public. Please try not to be repetitious, and give the stenographer your name and address for the record. Yes, sir.

MR. BYRD: Brian Byrd over at 115 Dean Hill Road. This particular lot, the telephone building actually touches my lot, and I would object to this mainly because for a few reasons. The first one being this would add another neighbor to my joining lot. That was not the intent when I bought the property eight years ago. The other is it is a smaller lot and we do have a requirement for one acre lots in that area, and I bought the lot with the intent that all the houses would have the one acre lot. I guess thirdly, just listening to the brick building with a house built on top of it, I have a hard time believing that that would fit into the neighborhood as well.

MR. NUGENT: Just to clarify something for you, one acre lots provided they have no sewer or water. They can be less than that if they have one or the other or both.

MR. BABCOCK: There's sewer there now. I'm sure you're hooked up to the sewer. The water line, as you know, has been put down the road, it just hasn't been finalized and dedicated or whatever. If some day once

that does get dedicated, you get credit for that, for lot size the more water services you have. So if you have water and sewer, the lot size decreases.

MR. NUGENT: He'd be almost legal with water. You only need 21,000 with water.

MR. BABCOCK: I'm not quite sure of that in R-3.

MR. NUGENT: I just was looking it up quickly. I think it's 21,000 with sewer and water. Anyone else? Yeah, 21,000.

MS. VANASCO: I have a question.

MS. BARNHART: You're name?

MS. VANASCO: Sharon Vanasco, 113 Dean Hill Road. If he is allowed to put this building on a smaller lot than the rest of us have, there's also another lot there in the corner, does that in turn make that lot a smaller lot that he can build on also?

MR. NUGENT: Not unless he comes before us. We're not setting a precedent. If that's what you're saying, we're not setting a precedent. Each case is taken on its own merit.

MS. VANASCO: That's what I'm concerned about.

MR. TORLEY: There's a vacant lot there? Which one?

MRS. WELCH: Yes, there is. Next door, right next to that property, that corner lot.

MR. TORLEY: Right of the road. So that's vacant?

MRS. WELCH: Yes. And that's been for sale for a while. It's Dean Hill and Mt. Airy.

MR. BABCOCK: Mr. Petrone owns that lot; right?

MR. BYRD: Yes.

MR. BABCOCK: That was part of the subdivision. That's not an undersized lot.

MRS. WELCH: No, that's what we're asking, though. If he's going to be allowed to build this property on a smaller lot, does that in turn give him, you know, take

that lot and make it into two more houses, or is it going to be a full size acre lot that's left?

MR. BABCOCK: Yeah.

MR. McCULLOUGH: In other words, would that lot change now, also? John McCullough, 126 Dean Hill Road.

MR. BABCOCK: No, not at all.

MR. NUGENT: Anyone else?

MR. McCULLOUGH: I have one more question. I didn't understand what are the laws with the water and the sewer as far as one acre lots or lot size?

MR. NUGENT: I'll try to read it to you. What I'm reading from is the bulk table for an R-3 zone, and it says here: One-family detached dwelling without central water and without central sewer needs 43,000.

MR. BABCOCK: Which is one acre.

MR. McCULLOUGH: Okay.

MR. NUGENT: One-family dwelling not exceeding one dwelling on each lot with central sewer needs 32,000. I'm giving you round numbers.

MR. McCULLOUGH: So it decreases if you have one or the other.

MR. BABCOCK: Or both.

MR. NUGENT: With central sewer and central water it only needs 21,000.

MR. BABCOCK: So if you have both, it does decrease again, major.

MR. BYRD: This lot has?

MS. BARNHART: Sewer.

MR. NUGENT: It has 14,000, almost 15,000. Just shy 15,000.

MR. McCULLOUGH: So it's still smaller --

MR. BABCOCK: That's correct.



MR. McCULLOUGH: --- with the sewer?

MR. NUGENT: Right.

MR. BABCOCK: Even if he had availability of water and sewer it would be smaller.

MR. NUGENT: He'd still be here.

MR. McCULLOUGH: Right. Okay, thank you.

MR. NUGENT: Is there any further questions by the audience?

MR. BYRD: Well, I guess the last question based on where we're going here, when you make your decisions what's taken into, what's the primary objectives as far as your responses? In other words, to give the approval you base those types of decisions on?

MR. NUGENT: We have a criteria that's set up by the State of New York that we work off of. I don't know if you heard, the attorney gave the last fellow that was last here what he has to address when he comes for his public hearing. That's primarily what we base our decisions on. Secondly, and I know myself I do, everyone is entitled to the use of their property. Whether or not this lot in particular is meets all the requirements, we'll discuss that a little further when we get it back open to the Board. If there's no further questions, I'm going to close the public hearing and open it up back up to the Board. I'd like to have the first question. One of the people in the audience brought up a very good point, and I'm sure that you're not prepared to answer this question, but Lot 7 which is part of his subdivision; is that correct?

MR. BABCOCK: That's correct.

MR. NUGENT: Is a large enough lot for what?

MR. BABCOCK: For a one-family house.

MR. NUGENT: Based on how many square feet?

MR. BABCOCK: I don't have that part of it with me, Jim, so I really don't know.

MR. NUGENT: Let me, I'll just continue on, if he could change the lot line on my looking at the map on the right side of that piece of property a slight bit, he would have if not enough close to enough square footage. It's an awful big variance. This is what I'm getting at, it's an awful big variance. The variance is bigger than the lot.

MR. BABCOCK: Right. Jim, when he developed this subdivision, he installed the sewer line and dedicated it to the Town. So these lots were based on lot size were created based on having the availability of sewer. I know some of these lots are larger than the 32,000. I think that you're right. If Lot 7 is larger than the required 32,670, he could do a lot line change and give part of 7 to this lot. But I don't know what size it is. I don't have a map of that Lot 7.

MR. NUGENT: Which would make the variance a lot smaller.

MR. BABCOCK: That's right.

MR. TORLEY: Does he also own Lot 8 still?

MR. BYRD: No. It's mine.

MR. BABCOCK: He did own Lot 8, he built the house and sold it to this gentleman.

MR. BYRD: Well, I built it.

MR. BABCOCK: Okay.

MS. VANASCO: Are you sure you're on Lot 7. You said for sale by builder. There was a different sign. We were going to buy it ourselves, and another building was in contention and apparently bought it.

MR. BABCOCK: I'm basically going by his representative saying that he does own it.

MR. ROSSOMANDO: Lot 7 is the corner lot.

MR. BABCOCK: Yes.

MR. ROSSOMANDO: He still owns that.

MR. BABCOCK: Okay. Do you know what size Lot 7 is by any chance?

MR. BYRD: It's bigger than an acre, I know that.

MR. NUGENT: It is?

MR. BYRD: Yes.

MR. REIS: Do you have a tax map?

MR. BABCOCK: Not of Lot 7.

MR. TORLEY: I do. It certainly looks if he owns Lot 7 and is intending to buy this particular lot, the lot lines could be moved or, in fact, they could be merged to make one lot which would meet all the requirements. I would be much happier having him have one lot there than trying to get a variance for more than half the size.

MR. BABCOCK: In all honesty to the applicant, he's already got Lot 7 that he could build a house on. He doesn't need to merge any lots to not get anything. He could just forget about buying this piece of property and build his house on Lot 7.

MR. NUGENT: And then we deal with an eyesore for the rest of our --

MR. ROSSOMANDO: I don't believe Mr. Petrone would be interested in making a lot line change to increase the area. I don't believe he would be that interested in going through having the property re-surveyed and all the other stuff that's required. It's my feeling that his interest is focused on this building on this property with the intention of putting an addition to the side of the building and working with just working with what's there and basically making an improvement to the street, to the area.

MR. TORLEY: If he does not purchase this, does the telephone company remain responsible for the appearance of the building and any requirements for maintenance etc.?

MR. ROSSOMANDO: If he doesn't purchase it, it's the phone company's building until they find another buyer. I can't imagine, as also stated in Exhibit 1, I can't imagine any other use for the property, for this particular building in this area. Whether it's Mr. Petrone coming before you for a variance for this

property or another applicant who doesn't own Lot 7 coming before this board for a variance.

MR. TORLEY: If Lot 7 is, it appears to be well over the size requirement.

MR. ROSSOMANDO: It also reduces the value of his marketability of Lot 7 because he's now reducing the size.

MR. TORLEY: But it compensates by increasing the value of the phone company lot.

MR. ROSSOMANDO: Not necessarily. That's fine if all things in life are being equal, and they're not, especially in real estate.

MR. NUGENT: Would you like to ask him? The reason I'm asking that question is that we could postpone our decision until we got that information back from you.

MR. ROSSOMANDO: Sure. I could probably ask him when he calls me.

MR. TORLEY: We'd just be adjourning the hearing?

MR. NUGENT: Right.

MR. REIS: Mr. Chairman, is it Mr. Byrd?

MR. BYRD: Yes.

MR. REIS: I didn't get his objection to what Mr. Petrone is trying to accomplish.

MR. BYRD: I think the main thought, and just I just found out about this week or so ago, my main thought is I have a lot, I have a neighbor on one side, I have a potential for a neighbor on Lot 7 and I have a neighbor in the back. That's three neighbors, I'm comfortable now. Now I'm finding out that I'm going to have a fourth neighbor connected with my property. And in addition to that, it is a smaller lot. You know, we talked about eyesores, to me it's not an eyesore. It's overgrown with trees, I don't see the building from my lot. If somebody moves in there, there is a very strong potential they're going to knock down some of those trees, now I see brick building and houses right in my backyard. That's why I, hopefully I'm articulating as much as I would want to as far as why I

object to this. The other thing, this may not be relevant, but I really believe that Mr. Petrone wants to do this, Lot 7 has not sold in many, many years. I feel he may be doing this because it will help him potentially sell Lot 7. From a business standpoint I can understand that, but I think he might be getting a little greedy. If he's got enough land to split both lots and then do two houses for that area.

MR. NUGENT: Okay. You didn't answer my question. Would you like to postpone this and talk to him personally?

MR. ROSSOMANDO: If this question is going to be a focal point to the Board making the decision, then my answer is yes. We can postpone it and as soon as he contacts me I'll be glad to get in touch with the board. I can't contact him. He's somewhere in Asia. The last time I talked to him he was in Singapore. I don't know where he is right now. When he touches down somewhere he'll call. I want you to understand, I'm not trying to be evasive.

MR. NUGENT: No, no, that's fine.

MR. TORLEY: Are you clear on the question we have?

MR. ROSSOMANDO: Sure. I believe what your question is is that you would like him to consider moving the rear property line of Lot 7 to such a sufficient distance as to give this proposed building, this telephone company building, more land.

MR. BABCOCK: Without hurting Lot 7.

MR. ROSSOMANDO: Exactly. Decreasing Lot 7 somewhat and increasing the land for the phone company.

MR. TORLEY: As long as Lot 7 stays above --

MR. BABCOCK: -- 32,670.

MR. NUGENT: I would like a motion to postpone.

MR. REIS: I make a motion that we postpone the decision of making this decision until we get a clarification on that.

MR. KRIEGER: If you're going to move to table, are you going to set a specific date in the motion and take it

March 3, 1999

20

up from the table? You can then when that date arrives, you can make a further motion.

MR. REIS: When do you expect Petrone back in the country; do you know?

MR. ROSSOMANDO: End of March, beginning of April.

MR. NUGENT: Our next meeting is not until the 12th of April.

MR. ROSSOMANDO: He'll be back by then.

MR. KRIEGER: Why don't you set it for the 12th of April, if you're not ready, you can move.

MR. ROSSOMANDO: If for some reason I'm in touch with him and he agrees or he doesn't agree, should I contact someone on the Board?

MR. NUGENT: Just let Patty know.

MR. REIS: I make a motion we table our decision until April 12th, the following meeting or sooner --

MR. NUGENT: Do I have a second?

MR. REIS: -- on this variance.

MS. OWEN: I second.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-1

Date: 2/10/99

I. Applicant Information:

- (a) Michael A. Petrone - 501 PLAINFIELD ROAD, TUXEDO, NY 10987 782-5535  
(Name, address and phone of Applicant) VENDOR IN CONTRACT
- (b) BELL ATLANTIC NETWORKS, INC - PRESENT OWNER  
(Name, address and phone of purchaser or lessee)
- (c) N/A  
(Name, address and phone of attorney)
- (d) N/A  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-3 MOUNT AIRY ROAD 85-1-15 11,955  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? N/A
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes      No     .

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12-1 Table of USE/BULK Regs., Col. A-9.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>32,670</u>	<u>14,955</u>	<u>17,715</u>
Min. Lot Width <u>100</u>	<u>100</u>	<u>100</u>
Reqd. Front Yd. <u>35'</u>	<u>(25')</u>	<u>10'</u>
Reqd. Side Yd. <u>15 + 15</u>	<u>25 + 100</u>	<u>0</u>
Reqd. Rear Yd. <u>40</u>	<u>40</u>	<u>0</u>
Reqd. Street Frontage* <u>50</u>	<u>150</u>	<u>0</u>
Max. Bldg. Hgt. <u>35</u>	<u>30</u>	<u>0</u>
Min. Floor Area* <u>1,800</u>	<u>1,800</u>	<u>0</u>
Dev. Coverage* <u>15%</u> %	<u>10%</u> %	<u>0</u> %
Floor Area Ratio**		
Parking Area		

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)



whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

SEE EXHIBIT ONE

ATTACHED

(You may attach additional paperwork if more space is needed)

#### VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

#### VII. Interpretation.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

- Disposal of ugly industrial fence, now in place
- Enhancement of brick structure creating a Federal style building
- Landscaping and new driveway

## IX. Attachments required:

- \_\_\_\_\_ Copy of referral from Bldg./Zoning Insp. or Planning Bd.  
 \_\_\_\_\_ Copy of tax map showing adjacent properties.  
 \_\_\_\_\_ Copy of contract of sale, lease or franchise agreement.  
 \_\_\_\_\_ Copy of deed and title policy.  
 \_\_\_\_\_ Copy(ies) of site plan or survey showing the size and  
 location of the lot, the location of all buildings,  
 facilities, utilities, access drives, parking areas,  
 trees, landscaping, fencing, screening, signs, curbs,  
 paving and streets within 200 ft. of the lot in question.  
 \_\_\_\_\_ Copy(ies) of sign(s) with dimensions and location.  
 \_\_\_\_\_ Two (2) checks, one in the amount of \$\_\_\_\_\_ and the second  
 check in the amount of \$\_\_\_\_\_, each payable to the TOWN  
 OF NEW WINDSOR.  
 Photographs of existing premises from several angles.


**X. Affidavit.**

Date: 2/11/99

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

for the conditions or situation

  
Applicant

Sworn to before me this

11 day of February, 1999.

**MARTHA J. BILL**  
History Public, State of New York  
No. 0161500-110  
Qualified in Orange County  
Commission Expires Oct 2 1999

## XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

**Michael M. Petrone**

501 Bramertown Road  
Tuxedo Park, NY 10987

TEL (914) 782 5535 // (914) 782 9552 FAX

**APPLICATION FOR AREA AND SETBACK VARIANCE  
TO THE  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEAL**

**EXHIBIT ONE**

In accordance with per V - b of the Application form, I believe the Hon Board should grant the variances for the following reasons:

- The Variances will allow a desirable change in the nature of this property, by bringing it to conformity with the entire district surrounding it, which is Residential R-3 and fully developed as such
- The benefit sought with these Variances cannot be achieved in any other manner. The alternative is leaving the unused building to a non defined use which in any case could NOT be residential, and therefore NOT conforming with legal bulk requirements provided by the Town ordinances for any other use.
- The scope of the requested variances is not substantial. The property meets or exceeds all other requirements for R-3 zoning, except for 10' front yard and for lot size.
- Granting the Variances will benefit the surrounding properties by replacing an eyesore, and security problem, with a single family house in full harmony with the neighborhood.
- This hardship is not self created. The building in object predates zoning laws.

**ZONING BOARD OF APPEALS**

**Regular Session**

**March 8, 1999**

**AGENDA:**

**7:30 p.m. - Roll call -**

**Motion to accept minutes of the 2/8/99 and 2/22/99 minutes as written.**

**PRELIMINARY MEETING:**

**1. FRANCAN, FRANK - Request for 6,250 ft. lot area, 12 ft. 5 in. lot width and 1 ft. 7 in. rear yard variance for an existing one-family residence at 7 Columbus Street in a PI zone. (14-1-10.11).**

**PUBLIC HEARINGS:**

**2. NY TELEPHONE/PETRONE - Request for 17,715 s.f. lot area for renovation of a telephone equipment building to a single-family residence on Mt. Airy Road in an R-3 zone. (85-1-15).**

**3. DAIDONE/NW PARTNERS, L.P. - Request for 7 ft. 4 in. maximum building height variance for construction of a commercial building on Route 32 in a C zone. (65-2-16.21,22, 25). Present: Greg Shaw, P. E.**

Pat 563-4630 (o)

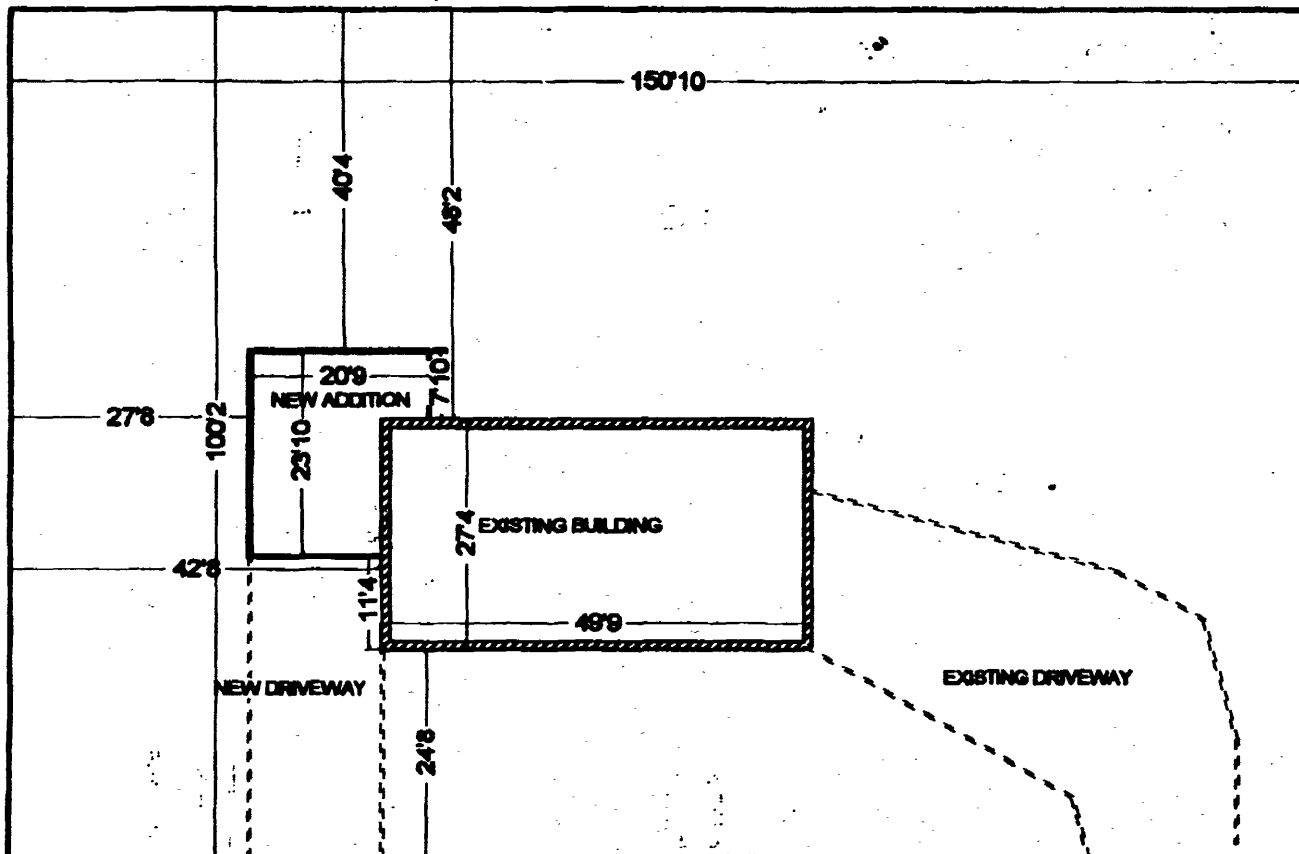
562-7107 (h)

32560

17715

14,955

Note: Pls. bring your theatre  
(Destinter) free pass.  
Supervision is pending them  
back.



**MOUNT AIRY ROAD**

**Minimum Lot Design Criteria**

**R-3 (CENTRAL SEWER AND  
INDIVIDUAL WELL)**

Lot Area	32,560 sqft
Lot Width @ Bldg Line	100 ft
Road Frontage	50 ft
Front Yard	35 ft
Side Yard	15 ft
Both Side Yards	30 ft
Rear Yard	40 ft

Susan and Michael Petrone  
SINGLE FAMILY HOUSE  
CONVERSION OF

**FORMER TELEPHONE  
BUILDING LOT 85 - 1 - 15  
Mount Airy Road  
Town of New Windsor, NY**

**Bell Atlantic Network Services**  
1095 Avenue of the Americas  
New York, NY 10036



**December 7, 1998**

**Mr. Michael Petrone  
501 Bramertown Road  
Tuxedo Park, NY 10987**

**Re: Acceptance of your offer for the purchase of the Bell Atlantic property on  
Mount Airy Road in New Windsor, NY**

**Dear Mr. Petrone:**

**This letter will serve as written acceptance of your offer to purchase the aforementioned  
Bell Atlantic property.**

**As we discussed, I will begin the sales contract process, with the goal of closing by 60  
days from this letter of acceptance.**

**Sincerely,**

A handwritten signature in cursive script that reads "Gregory L. Jackson".

**Gregory L. Jackson  
Bell Atlantic Corporate Real Estate**

**MOODNA CREEK DEVELOPMENT, LTD.**

**c/o Jacobowitz and Gubits, LLP**

**158 Orange Avenue**

**P.O. Box 367**

**Walden, New York 12586**

**January 11, 1999**

**Mr. Michael M. Petrone  
501 Bramerton Road  
Tuxedo Park, NY 10987**


**Re: Tax Map 85-1-15**

**Dear Mr. Petrone:**

**You may consider this letter as an option in your favor to be exercised on or before April 10, 1999, to acquire 350 gallons of sewer treatment capacity per day at the price of \$3.75 payable all cash on delivery of the Certificate of Allocation.**

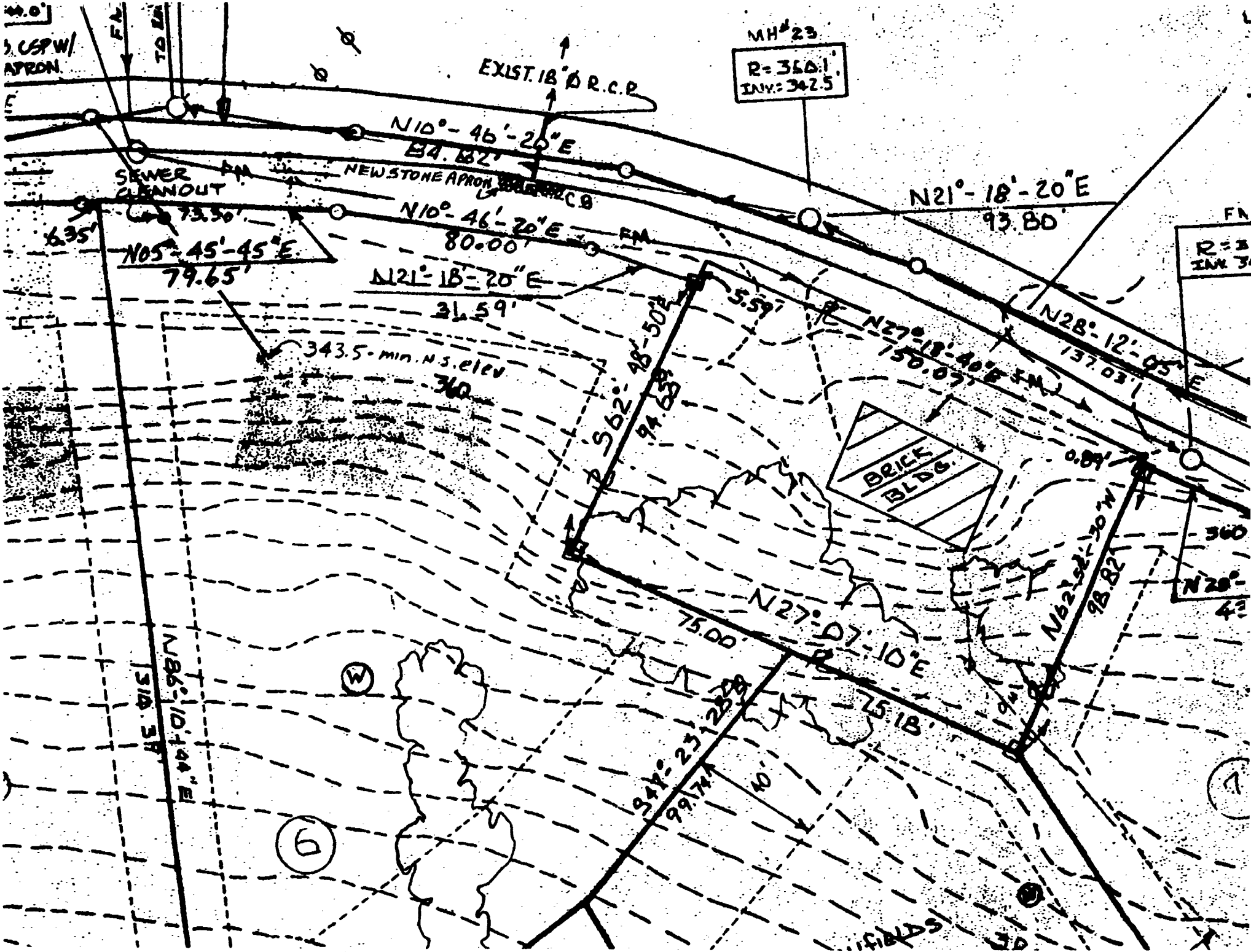
**The option must be exercised in writing and receipt by this office not later than April 10, 1999 together with payment in the sum of \$1,312.50.**

**Very truly yours,  
Moodna Development Ltd.**



**cc: Donald Mirro, Esq.**





3/8/99 Public Hearing - NY Telephone / Phone

Name:

Address:

MR + MRS John McCullough

126 Dean Hill Rd, N. Windsor

object - size  
245304

Brian Byrd

115 Dean Hill Rd N.W.

MR + MRS RICHARD

113 DEAN HILL Rd NW

Sharon VANASCO

S. Welch

101 Dean Hill Rd., New Windsor

Paul Haibon

105 Dean Hill Rd. New Windsor

NY Telephone Co.  
1095 Ave. of the Americas  
NY NY 10036.

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

*Prelim.*  
*Jan. 25, 1999.*  
*#99-1*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: December 21, 1998**

**APPLICANT: Michael Petrone  
501 Bramertown RD  
Tuxedo, New York 10987**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: December 21, 1998**

**FOR : One Family House**

**LOCATED AT: Mt. Airy Road**

**ZONE: R-3**

**DESCRIPTION OF EXISTING SITE: Section/Block/Lot 85-1-15 Bell Telephone Building**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Existing lot does not meet minimum lot size for a one family house.**

  
BUILDING INSPECTOR

PERMITTED 32,670

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-3      USE: A-9-C Bulk Tables

MIN. LOT AREA:

14,955

17,715

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

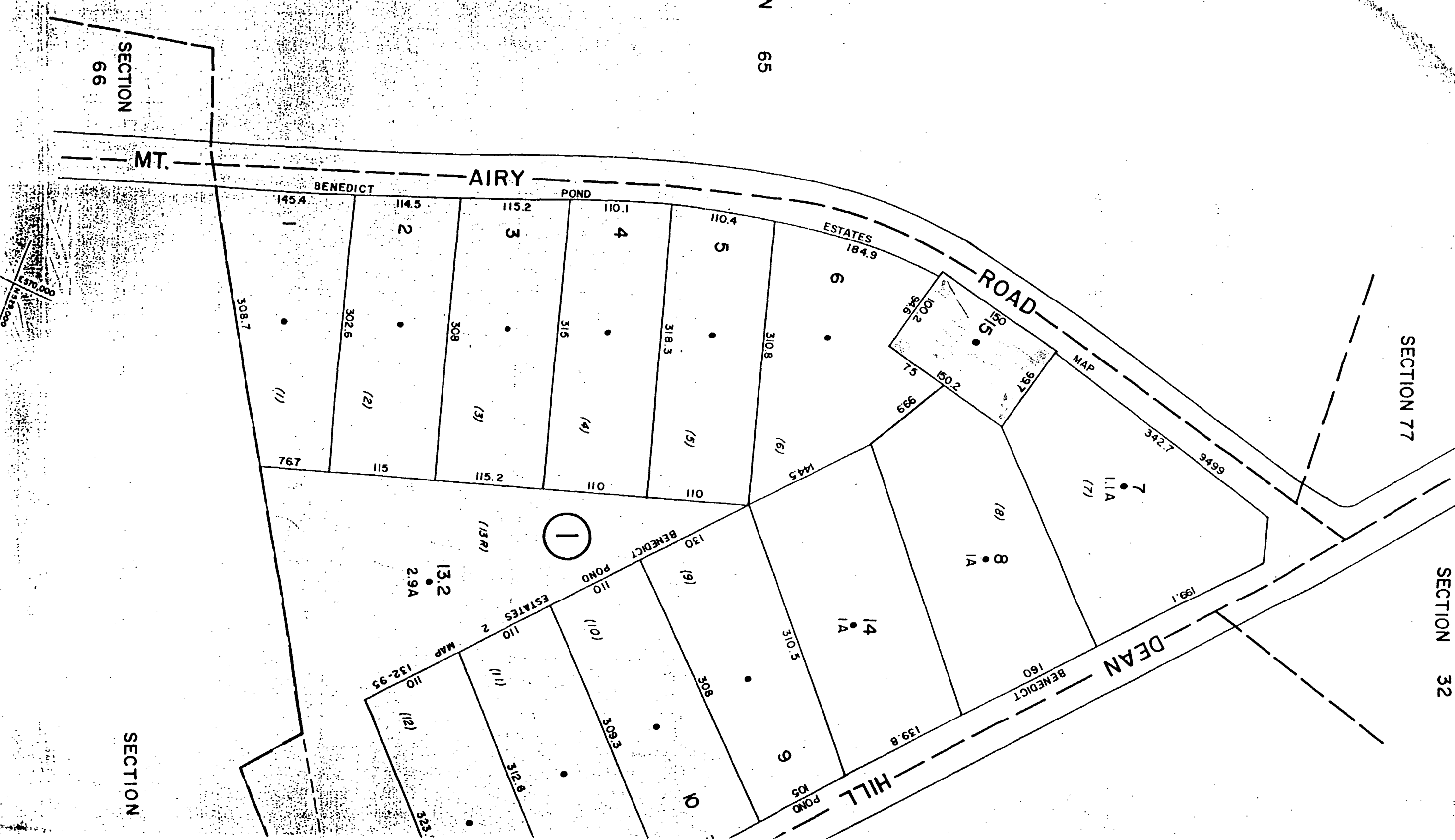
SECTION 32

SECTION 77

SECTION 65

SECTION 66

SECTION



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

Ny Telephone/Postone  
Applicant.

# 99-1

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**  
**) SS.:**  
**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

**That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.**

That on Feb. 18, 1999, I compared the 19 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
19<sup>th</sup> day of February, 1999.

Deborah Queen  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2009

*Pls. publish immediately. Send bill to: Michael Petrone*  
*501 Bramer town Rd.*  
*Tuxedo Park, NY 10987*

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 1

Request of N.Y. Telephone / Petrone

for a VARIANCE of the Zoning Local Law to permit:

Construction of single-family residence of less than  
the allowable lot area and front yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk  
Regs. - Cals. C+E

for property situated as follows:

Mt. Airy Road near Dean Hill Rd. intersection,  
New Windsor, N.Y.

known as tax lot Section 85 Block 1 Lot 15.

SAID HEARING will take place on the 8<sup>th</sup> day of March,  
1999, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.

DATE		CLAIMED	ALLOWED
3/8/44	Zoning Board Mtg (Denise Prodnick)	75 00	
	Misc - 2		
	Francon - 6		
	NY Telephone / Petrone - 13 \$58.50		
	<u>21</u>	94 50	
		1169 50	



Date 2/8/78, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO ..... **Frances Roth** ..... DR.  
 ..... **168 N. Drury Lane** .....  
 ..... **Newburgh, N.Y. 12550** .....

		CLAIMED	ALLOWED
4	Zoning Board Mtg,	75	00
	Mrs C 3		
	Surdylka - 16		
	Petrone - 5      22.50		
	Aquino - 3		
	Pellegrino - 7	153	00
	<u>34</u>	<u>225</u>	<u>00</u>
James Nugent			

PETRONE, MICHAEL

MR. NUGENT: Request for 17,715 square foot lot area in order to construct single-family residence in R-3 zone.

Mr. Michael Petrone appeared before the board for this proposal.

MR. BABCOCK: Jim, actually, it's to convert an existing building, just so the board knows. I don't know whether they are familiar with that, the building is already there.

MR. PETRONE: My name is Michael Petrone, I'm about to purchase a former abandoned telephone building on Mt. Airy Road, before we go into detail, I have some pictures so I will give you, I believe a general idea where it is. Your first impression I guess I will circulate them as you wish, there's several shots from several corners but they are all similar.

MR. REIS: What's the address of this property?

MR. PETRONE: I don't have an address, it's Mt. Airy Road and Dean Hill, the other corner, I'll give you a lot number.

MR. BABCOCK: You know where the new homes are on Dean Hill Road, Mike and Mt. Airy Road, going towards 94, there's some new homes that's scattered around this building.

MR. TORLEY: This used to be a telephone switch?

MR. PETRONE: Yes, was a telephone switch was abandoned in '89.

MR. TORLEY: It's 15,000 square feet?

MR. KRIEGER: What's required in that zone?

MR. PETRONE: The zoning is R-3.

MR. KRIEGER: How many square feet are required there?

MR. NUGENT: 32,600.

MR. PETRONE: Under the specifics because we would have sewer.

MR. NUGENT: Do you have sewer?

MR. PETRONE: Yes, I have an option to connect.

MR. NUGENT: But not water.

MR. PETRONE: No water, it needs a well. This is the property size, there's a survey.

MR. TORLEY: So, it's substantially smaller than the other lots?

MR. PETRONE: Yeah, it's approximately one half but that's the only, as far as I could determine, actually, also the building inspector to determine is the only thing that is missing cause it meets all other requirements of the zoning.

MR. NUGENT: Hundred foot lot width?

MR. BABCOCK: Yeah, 150, Jim.

MR. PETRONE: I show you I purchased sewer connections from Moodna Creek Moodna Development, that's subject to of course this board granting a variance.

MR. NUGENT: How big is the building?

MR. PETRONE: The building now the building covers now I will tell you in a second I have it here, the building now covers 50 x 27, approximately 1,200 square feet, that is the footprint of the building and it's approximately 14 foot high at the gutter and then of course it's got the roof. The lot requirements, zoning requirements for R-3 are 32,560 square feet, I have another layout here of the condition, also, all the other bulk requirements, the building with the new add, with the little addition, would meet all of them except the square footage. And I believe even though the building inspector didn't deny that, I believe there is

also a need for a variance on the road frontage cause the building only has 24 foot and eight inches from the road, the front setback, whereas you require 35. This is a sketch of what the condition is and would be.

MR. TORLEY: So, it is your intention not to remove the structure but to convert it?

MR. PETRONE: No, it's a very valuable structure, I believe, in fact, I know it has one foot concrete wall with an exceptionally well preserved brick facing inside and out and some classical details, it has some moldings on the outside that it can be made to look nice, it can be made to look like a Federal building and that's really why I would like to keep it. Right now, has a fence around it and some graffiti on it, overgrown, but it is a pretty building, it can become a very pretty building. I have here a little rendering, it's not a quality drawing but--

MR. TORLEY: Do the surrounding lots have buildings on them?

MR. BABCOCK: Not all of them yet.

MR. PETRONE: Right next to them except lot 7, yes one of them is in contract now.

MR. TORLEY: So there's a structure on this lot?

MR. PETRONE: Yes, there is a structure here, actually, a very pretty structure, very well landscaped and there's a structure here, there's no structure here.

MR. TORLEY: Have you sought to purchase enough property to make yourself meet the zoning?

MR. PETRONE: No, I own this lot.

MR. TORLEY: No, you say you've got the lots, if you move the lot line, both lots would meet zoning code?

MR. PETRONE: No, I don't think so, this one would not. This needs another 15,000 square feet.

MR. TORLEY: How long have you owned these two properties? You have owned this one property, is there something in the code about owning adjoining property and not being able to--

MR. BABCOCK: Typically would be prior to planning board, this is a brand new subdivision that he did.

MR. PETRONE: I did this subdivision, I designed it.

MR. BABCOCK: Larry, if you have more than two, if you have more than two contiguous substandard lots that's been there prior to approvals, they become one lot for the purpose of building, so you would have to do that.

MR. PETRONE: But here not, I mean, one of them in fact it's slightly in excess.

MR. BABCOCK: Right.

MR. PETRONE: This more or less what the building would look like, this is a very rough sketch, this is the building and this would be another addition. I would say this, that I have no commitment, I have a commitment from Bell Telephone, if there's some serious opposition to this, I will not do it, then I will be grateful to this board to give me a sense of--

MR. KANE: Set him up for a public hearing?

MR. NUGENT: Yes, are there any further questions? Accept a motion.

MR. KANE: I move we set up Michael Petrone for a public hearing for the requested variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MS. OWEN	AYE
MR. TORLEY	AYE

MR. NUGENT

AYE

MS. BARNHART: Here's your paperwork.

MR. BABCOCK: Michael, do any of the pictures show where you're taking them from Mt. Airy Road and you can see the houses behind?

MR. PETRONE: I see some of it.

MR. BABCOCK: It would help the gentlemen understand what kind of houses are being built there.

MR. PETRONE: There's about \$200,000 houses you can see this one not well, this one, okay, yeah, let me, since Mike brought it up, who was asking about--

MR. TORLEY: I asked.

MR. BABCOCK: The condition of the building in front of these brand new houses is horrible. It can only get better.

MR. KRIEGER: These are the criteria on which the Zoning Board must decide, according to the State, if you would address yourself to those criteria in making the presentation, that would be helpful.

MR. PETRONE: I appreciate it. We'll bring this building to about the level of a three-family house, two stores or story and a half, it will just have a small lot other than that in fact very valuable construction, not just the veneer, but solid brick.

MR. BABCOCK: You're all set.

MR. PETRONE: Thank you.

Date 5/12/11, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE**

**NEW WINDSOR, NEW YORK 12553**

**TO**

DR.

James Roth  
168 N. Quay St. Astor, N.Y. 12500 DR.

DATE		CLAIMED	ALLOWED
3/10/99	Zoning Board Mtg	75.00	
	Misc		
	Hande / -2		
	Husted - 3		
	Pierri - 5		
	Maxwell - 3		
	Hecht - 2		
	Petrone / Decision - 1	<u>76.50</u>	
	17pgs	151.50	